

United States District Court
Northern District of New York

Jessie Engles

Plaintiff

-vs-

BRANDI CORIGLIAO (N.P.), HAMMAD
U. RAHMAN (MD) Fac. I.ty Health Services
Director DF Auburn D.Inello; Dr. Shebab
ZAKI MD, Marcy CF. & Dr. Changla, MD
Defendants

DIS CASE #

42 U.S.C. § 1983
Complaint

Jury Trial
Demanded

Plaintiff Jessie Engles, Act. ng Pro-Se respectfully
Alleges upon information & belief:

- Preliminary Statement -

(1) This c.v./ Rights Action is for deliberate Indifference
And gross Medical Negligence Against Numerous
Medical Staff At Auburn Correctional Facility And
Marcy Correctional Facility Along with two Physicians
At Upstate Suny Med. ca/ Center Hosp. fa/. The
Defendants utter disregard to Plaintiff. ff Serious
Med.ca/ Needs & gross Negligence resulted in
Plaintiff Suffering From sever Post operative
Complications that were potentially life threatening.

(2) Jurisdiction And Venue

This Court has ~~no~~ Jurisdiction over these claims
Pursuant to 28 U.S.C. § 1331 & § 1333. Plaintiff is
entitled to compensatory relief. Venue is Proper in
this District under 28 U.S.C. § 1391(b)

Jury Demanded

(3) Plaintiff demands a tri. a (by Jury

Parties

(4) Plaintiff, Jessie Engles D.N. # 22B1293 (hereafter Plaintiff). Plaintiff is & was at all relevant times a prisoner under the custody of New York State Department of Corrections & Community Supervision (hereafter DOCCS). But is currently located at Five Points Correctional Facility, P.O. Box #119, Romulus, NY 14581.

(5) Defendant Brandi Corigliano is a nurse practitioner at Marcy Corr. Fac., I.ty, P.O. Box #5000 Marcy, NY 13403. She is being sued in her official & individual capacities. She was responsible for providing medical care to Plaintiff as his primary care provider, while at Marcy C.F.

(6) Defendant Hammad U. Rahman MD. is a physician at Upstate SUNY Medical Center Hospital at 750 East Adams Street, Syracuse, NY 13210. He is being sued in his individual & official capacities. He was responsible for Plaintiff's medical care during his inpatient hospitalization from Sept. 17, 2020 to Oct. 22, 2020.

(7) Defendant DiNello, Fac. I.ty Health Services Director for Auburn Corr. Fac. is a physician at 135 State Street, P.O. Box # 618 Auburn, NY 13021-9000. They are sued in their individual & official capacities. He was responsible for Plaintiff's medical care during his care while at Auburn C.F. & all medical staff of such & ensuring that all medical staff provide all appropriate medical care to incarcerated individuals & when needed staff. They are also responsible for ensuring all medical staff follow DOCCS policy's and procedures & Health Services Policy Manual.

(8) Defendant Dr. Shebab Zaki was a physician at Marcy C.F. P.O. Box #5000, Marcy, NY 13403. He is being sued in his official & individual capacities. He was responsible for all medical staff at Marcy C.F.

(9) Defendant Dr. Chang/Lai, M.D., is a physician at Upstate SUNY Medical Center Hospital at 750 East Adams Street, Syracuse, NY 13210. They are being sued in their individual & official capacities. They were responsible for Plaintiff's medical care during his inpatient hospitalization at Upstate SUNY Medical Center from 9-17-2020 until 10-22-2020.

Factual Allegations

(10) In December of 2019, Plaintiff swallowed several foreign bodies objects & inserted two sewing needles into his Abdomen area due to suicide ideations while housed at Auburn Corr. Fac. Immediately after ingesting & inserting these objects, Plaintiff notified security staff that he needed "emergency sick call" services, at which time Plaintiff was seen by medical staff for examination by medical staff. After the completion of said examination & under orders from the Defendant Anwells Health Service Facility Director, Plaintiff had numerous of X-Rays taken of his entire abdomen which confirm that Plaintiff had several foreign bodies in his stomach & (2) sewing needles inside his deep tissues of his abdomen. Despite the confirming the foreign bodies inside Plaintiff, this defendant failed to provide Plaintiff with appropriate medical care & treatment, including but not limited to ordering Plaintiff be sent to an outside hospital for the removal of all foreign bodies.

(11) Shortly after Plaintiff had above X-Rays, he was wrongfully discharged off suicide & contraband watch & transferred to Marcy Corr. Fac. I.t.y at which time he was placed under the care of Defendant Brandi Corigliano NP. Immediately after arriving at Marcy Corr. Fac. (RANTH) Plaintiff complained of stomach & abdominal pain due to these foreign

bodies still retained in Plaintiff's intestines and Abdominal walls. Defendant Ms Corigliano refused to have Plaintiff sent to an outside Hospital and Defendant Dr. Shebab ZAKI MD was in Agreement with Said Decision; despite Plaintiff Suffering From Severe Stomach /Abdominal pain, vomiting Blood & defecating bloody stool & fevers.

(12) After several weeks of Plaintiff worsening & symptoms, Defendant Ms Corigliano order Plaintiff to be sent to Upstate Suny Medical Center in Syracuse, NY. For further exams & possible removal of Foreign bodies.

(13) On Sept. 17, 2020, Plaintiff was admitted to upstate Suny medical Center Hospital for "Bacterial Liver Abscess, Foreign bodies ingestion, bacterial due to Streptococcus and Pleural effusions due to bacterial infection. Throughout the course of Plaintiff Admission, Plaintiff was under the care of Defendant Hammad U. Rahman, MD. & Dr. Changla, MD along with a number of other specialists of whom are not a party to this Action.

(14) While Admitted, Plaintiff underwent Surgery and Interventional Radiology to remove 2 ingested paperclips and partially removed part of the sewing needle. At the time of this procedure, Plaintiff was noted to have a hepatic (Liver) Abscess due to the Foreign bodies being left untreated inside Plaintiff as a result of Defendants (Brandi Corigliano & Dr. Drnello and Dr. Shebab ZAKI) refusal to have the Plaintiff sent to an outside Hospital immediately after x-rays were taken, verification of these ingested/inserted Foreign bodies objects. Subsequent served abdominal pains & vomiting defecated blood.

(15) During the Aforemention Surgery, Plaintiff had to have a drain placed in his liver to drain the →

Hepat.c Abscess. On Sept 17, 2020 PLA-NT,FF Also needed a Blood transfusion or he would die due to All the blood he lost over the months, it took the Above defendants to send PLA-NT,FF out to be treated. On Sept. 28, 2020, PLA-NT,FF had to have a chest tube inserted in his lungs due to his Plevral effussion As a result of his lungs - collapsing shortly after Stomach surgery.

(16) During the entire Admission of PLA-NT,FF 1 Defendants HAMMAD U. RAHMAN M.D. & Dr CHANG/LAI were the assigned Medical Doctors of PLA-NT,FF CARE. On Oct. 22, 2020, PLA-NT,FF was discharged from up State SUNY Medical Center under HAMMAD U. RAHMAN & Dr. CHANG/LAI's orders, despite the unretained portion of the Sewing needle left in PLA-NT,FF'S Abdomen. There two Defendants knowingly discharged PLA-NT,FF from up state SUNY Medical Center with a sewing needle left still inside his Abdominal wh.ch has caused PLA-NT,FF constant pain since said discharged to the present time. And Surgery has been approved by Dr. HAMMAD U. RAHMAN, but no date to conduct such Surgery has been set yet, along with fixing PLA-NT,FF hernia/repare Surgery at the same time.

First cause of Action

(17) By their acts & willful disregard to PLA-NT,FF serious medical needs, Defendants violated the rights of PLA-NT,FF to appropriate medical care and deliberate indifference to PLA-NT,FF serious medical needs under the 8th & 14th Amendments of the United States Constitution. -

(18) As a result of All Defendants failure to provide timely & appropriate medical care, PLA-NT,FF was forced to suffer from prolonged sever Abdominal pain/patient hospitalization & Surgery &

And A portion of A Sewing needle retained in Plaintiff's Abdomen causing Severe Abdominal pain which has been left untreated by these Defendants; requires A 4th Surgery to correct.

Prayer For Relief

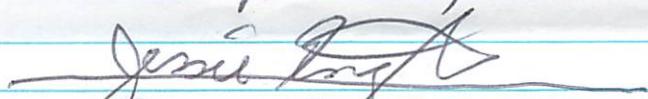
(19) Plaintiff has suffered & continue to suffer a severe injury as a result of these willful disregards of the Defendants obligation to provide appropriate medical care to Plaintiff's serious medical needs. This complaint seeks an order granting that Plaintiff 14th & 8th Amendments U.S. Constitution rights were violated; And both compensatory & punitive damages to be awarded against all Defendants for gross medical negligence & deliberate indifference to Plaintiff's serious medical needs; and their failure to provide timely & appropriate medical care to remove all foreign bodies objects inserted/ingested into Plaintiff stomach/abdomen.

(20) wherefore, Plaintiff respectfully request that this court grant him the following relief
(a) order Defendants, their agents, officials, employees & all persons acting in concert with them, under color of law or otherwise, to take all necessary action to have Plaintiff scheduled for General Surgery to remove the remaining portion of this sewing needle that retained in Plaintiff's Abdomen; And
(b) award one million (1,000,000) against each of the Defendants, in compensatory damages to be paid to Plaintiff for the injuries, symptoms & severe pain he was forced with to suffer as a result of Defendants failure to provide appropriate medical care/treatment; and
(c) one hundred thousand dollars (\$100,000) against each Defendant in punitive damages to be paid

to Plaintiff for Defendants failure, as licensed medical practitioners, to provide Plaintiff with medically appropriate care/treatment and their willful delay in providing Plaintiff immediate care to remove all foreign bodies that Plaintiff ingested/inserted. Defendants inaction directly contradicted the standards of care that the Plaintiff was entitled to.

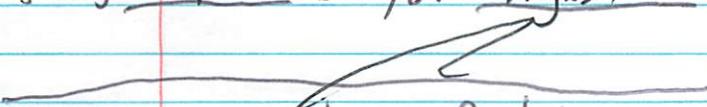
- (21) Award the Plaintiff reasonable Attorney fees and cost under 42 U.S.C. § 1988; and
(22) Grant any other relief the Court deems necessary & proper.

Respectfully,


Jessie Engles
D.N. #2251293

Five Points Carr. Fac./tg
P.O. Box #119
Romulus, N.Y. 14541

Sworn to before me
this 16 day of August 2023


Notary Public

ZACHARY NEVIDOMSKY
Notary Public, State of New York
No. 01NE6347915
Qualified in Cayuga County
Commission Expires September 19, 2024

Defendant No. 3

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 4

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- Federal officials (a *Bivens* claim)
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Deliberate Indifference, ~~and~~ Medical Negligence, and Cruel and Inhumane Treatment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

All Defendants failed to administer appropriate medical care/treatment which resulted in Emergency Surgical procedures being delayed and further Abdominal and Intestinal damage to plaintiff's body.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (*explain*)

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Auburn Corr. Facility/upstate Sany medical Center
Hospital ; Marcy Corr. Fac.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

[REDACTED] and I was sent to Upstate University Hospital
on 9/17/2020.

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Due to suicidal Ideation, I ingested multiple foreign bodies while at Auburn Corr. Facility. Their x-rays verified the foreign bodies were in fact in my intestines but took no further action to have them removed. I was then transferred to Marcy Corr. Facility where the medical staff refused to take action to remove the ingested foreign bodies. After multiple weeks of unbearable abdominal pain, Docs sent me to Upstate University Hospital where I was found to be suffering from: fever, pleural effusion, blood loss, and a hepatic abscess. This required numbers surgical procedures and/or needle point decompression. After these procedures, a sewing needle and surgical "clamp-like" object were inadvertently left in my abdomen.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

1. High Fever
2. Liver (Hepatic) Abscess
3. Blood loss requiring blood transfusion
4. Multiple surgical procedures
5. pleural Effusion (Fluid around lungs)
6. Severe Sharp and constant abdominal pain

The above injuries were treated during admission to Upstate University Hospital from 9/14/2020 to 10/22/2020.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See Attached notes

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Auburn Corr. Facility and Marcy Corr. Facility & Five Points Corr. & Clinton Corr. Fac. l.ty.

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

see attached notes

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

- E. If you did file a grievance:

1. Where did you file the grievance?

Marcy Corr. Fac., I/F
Five Points Correctional Facility
Clinton Corr. Fac., I/F

2. What did you claim in your grievance?

I don't recall the prior grievances after But, from records.
On 2/21/23 After review of medical records, I noticed that I had a sewing
needle and surgical "clamp-like" object left in my Abdomen from
Surgical procedures on 9/19/2020. I requested surgery to get these foreign
objects removed as they are causing extreme abdominal pain constantly,

3. What was the result, if any?

The Grievance was denied by the Grievance Committee and I appealed the denial to Superintendent.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I appealed the Grievance Committee denial to the Five Points Corr. Facility Superintendent who denied this Grievance, I then appealed this denial to DOCCS Central Office Review Committee.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

V/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(See Attached notes)

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained *in any facility*, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, *unless* the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (*if federal court, name the district; if state court, name the county and State*)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

(14)

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Yes

No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

Don't recall Docket info.

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

8-16-23

Signature of Plaintiff

Jessie Engles

Printed Name of Plaintiff

Jessie Engles

Prison Identification #

22B1293

Prison Address

*Five Points Corr. Facility P.O. Box #119
Bronx/161 N.Y. 14541*

City

N.Y.

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

City

State

Zip Code

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address